

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Case No. 17-00136-01/03-CR-W-GAF
)	
TRAVIS HEWITT, and TERRANCE)	
DOOLEY JR.,)	
)	
Defendant.)	

**MEMORANDUM OF MATTERS DISCUSSED AND
ACTION TAKEN AT PRETRIAL CONFERENCE**

PENDING CHARGE: On April 19, 2017, the Grand Jury returned a four-count Indictment charging Defendants Travis Hewitt, Dakota Pearce, Terrance Dooley, Jr. and Jen-I Pulos with conspiracy against an individual's rights in violation of 18 U.S.C. § 241, two counts for deprivation of rights in violation of 18 U.S.C. § 242, and falsification of records in violation of 18 U.S.C. § 1519.

Please note: This memorandum pertains to Defendants Hewitt and Dooley. Defendant Pearce has a change of plea setting on September 26, 2019. Defendant Pulos has a change of plea setting on September 24, 2019.

The following matters were discussed and action taken during the pretrial conference:

TRIAL COUNSEL:

Government: David M. Ketchmark and Shan Patel

Case Agent: Michael Hardwick, FBI

Defense: Angela Williams and Nancy Olivares-Johnson for Defendant Travis Hewitt

Robert Glen Kuchar and Mark Ermine for Defendant Terrance Dooley, Jr.

Investigator: Mark Wolpink for Defendant Dooley

OUTSTANDING MOTIONS:**Defendant Hewitt:**

08/12/2019	view97	MOTION in limine to exclude opinion testimony from witnesses about reasonableness of force by Travis Hewitt. Suggestions in opposition/response due by 8/26/2019 unless otherwise directed by the court. (Williams, Angela) (Entered: 08/12/2019)
08/12/2019	view98	MOTION in limine to exclude testimony about defendant's character by Travis Hewitt. Suggestions in opposition/response due by 8/26/2019 unless otherwise directed by the court. (Williams, Angela) (Entered: 08/12/2019)
08/14/2019	view100	MOTION in limine to exclude "overheard" statements as hearsay by Travis Hewitt. Suggestions in opposition/response due by 8/28/2019 unless otherwise directed by the court. (Williams, Angela) (Entered: 08/14/2019)
08/14/2019	view101	MOTION in limine to preclude testimony about legal conclusions by Travis Hewitt. Suggestions in opposition/response due by 8/28/2019 unless otherwise directed by the court. (Williams, Angela) (Entered: 08/14/2019)
08/15/2019	view104	MOTION in limine to exclude testimony about alleged threats via facebook by Travis Hewitt. Suggestions in opposition/response due by 8/29/2019 unless otherwise directed by the court. (Williams, Angela) (Entered: 08/15/2019)
08/28/2019	view111	MOTION in limine by USA as to Travis Hewitt, Dakota Pearce, Terrance Dooley, Jr, Jen-I Pulos. Suggestions in opposition/response due by 9/11/2019 unless otherwise directed by the court. (Ketchmark, David) (Entered: 08/28/2019)

Defendant Dooley:

08/09/2019	view96	MOTION in limine and response to government's notice of intent to offer evidence of prior use of excessive force by Terrance Dooley, Jr. Suggestions in opposition/response due by 8/23/2019 unless otherwise directed by the court. (Kuchar, Robert) (Entered: 08/09/2019)
08/28/2019	view111	MOTION in limine by USA as to Travis Hewitt, Dakota Pearce, Terrance Dooley, Jr, Jen-I Pulos. Suggestions in opposition/response due by 9/11/2019 unless otherwise directed by the court. (Ketchmark, David) (Entered: 08/28/2019)

TRIAL WITNESSES:

Government: 20 with stipulations; 25 without stipulations

Defendants: Defendant Hewitt no more than 5 witnesses, including the Defendant

Defendant Dooley: no more than 4, including the Defendant

TRIAL EXHIBITS:

Government: approximately 45 exhibits

Defendants: Defendant Hewitt approximately 15 exhibits

Defendant Dooley approximately 15 exhibits

DEFENSES: General denial.

POSSIBLE DISPOSITION:

(X) Definitely for trial; () Possibly for trial; () Likely a plea will be worked out

TRIAL TIME: 4-5 days total

Government's case including jury selection: 2-3 day(s)

Defendants: 2 day(s)

STIPULATIONS: Possible stipulations but still unresolved at this time.

UNUSUAL QUESTIONS OF LAW: None.

FILING DEADLINES:

Witness and Exhibit List

Government: Proposed Exhibit List and Proposed Witness List filed August 28, 2019. **Updated list(s) due on or before September 10, 2019.**

Defendants: Defendant Hewitt's Proposed Witness List and Defendant Dooley's Witness List filed August 29, 2019. **Updated list(s) due on or before September 10, 2019.**

Counsel are requested to list witnesses in alphabetical order on their witness list.

Exhibit Index, Voir Dire, Jury Instructions: Due on or before September 18, 2019.

Please Note: Jury instructions must comply with Local Rule 51.1

Motion in Limine: Multiple motions in limine filed. Any additional motions are **due on or before September 18, 2019.**

TRIAL SETTING: Criminal jury trial docket set for September 23, 2019.

Please note: Judge Fenner has agreed to handle the matter on the second week of the Joint Criminal Jury Trial Docket. There was additional discovery disclosed. Defense counsel is given an opportunity to review the new discovery and has until September 6, 2019, to file any request for a continuance.

IT IS SO ORDERED

/s/ Lajuana M. Counts

LAJUANA M. COUNTS

UNITED STATES MAGISTRATE JUDGE